

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMOTHY ASPAN, SR., individually and on behalf of the class defined herein,

Plaintiff,)

HUDSON & KEYSE, LLC,

Defendant. }

Case No.: 08 CV 2826

Judge Hart

MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)(6)

Defendant, HUDSON & KEYSE, LLC (“H & K”) by and through its attorneys, David M. Schultz and Corinne C. Heggie, and for its Rule 12(b)(6) Motion to Dismiss Plaintiff’s Complaint, states as follows:

1. Plaintiff's Complaint alleges that H & K violated the Fair Debt Collection Practices Act, 15 U.S.C. §§1692e, 1692e(2), 1692e(5), 1692e(10) and 1692f ("FDCPA"), Illinois Collection Agency Act, 225 ILC 425/8b and 425/14 ("ICAA") and Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA") by filing a lawsuit for collection of a debt from him without having an assignment that complies with Section 8b of the ICAA and without attaching the assignment to the collection complaint.

2. Plaintiff's argument fails for several reasons which are discussed further in defendant's Memorandum of Law in support of its Motion to Dismiss which is filed contemporaneously with this Motion.

WHEREFORE, Defendant, HUDSON & KEYSE, LLC respectfully requests this court grant its Motion to Dismiss and dismiss plaintiff's Complaint with prejudice.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: *s/Corinne C. Heggie*

One of the Attorneys for Defendant

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